

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 25, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 980

Introduced by Assembly Member Umberg

February 18, 2005

An act to add Article 4 (commencing with Section 345) to Chapter 5 of Part 1 of Division 2 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

AB 980, as amended, Umberg. California militia: disability benefits.

Existing law provides for specified benefits and compensation for any officer or enlisted member of the National Guard, the organized militia when not in the active service of the state, or the unorganized militia when called into the active service of the state.

This bill would require the Military Department to determine the difference between the amount of disability benefits to which an officer, warrant officer, or enlisted member of the California National Guard; *or* the organized militia, ~~or the unorganized militia~~, as specified, who is injured, wounded, or disabled in the line of duty, as specified, is entitled to receive from the federal government and the amount of disability benefits that comparably ranked and injured regular military personnel would receive. If the Military Department determines that the amount of disability benefits that regular military personnel would receive are greater than the amount of disability benefits that the officers, warrant officers, or enlisted members would receive, this bill would require that department, upon an appropriation

of funds by the Legislature for this purpose, to provide to those officers, warrant officers, or enlisted members an amount equal to the difference between those 2 amounts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to ensure that all California National Guard reservists and military personnel, when called into federal active status, receive the same military combat disability compensation that is provided to regular active military service personnel that are injured in combat.

SEC. 2. Article 4 (commencing with Section 345) is added to Chapter 5 of Part 1 of Division 2 of the Military and Veterans Code, to read:

Article 4. State Militia Disability Equality Act

345. This article shall be known and may be cited as the State Militia Disability Equality Act.

346. (a) When any officer, warrant officer, or enlisted ~~member of the California National Guard, the organized militia, when not in active service in this state, or the unorganized militia~~ *member of the California National Guard or the organized militia who is not in active service in this state* is wounded, injured, or disabled in the line of duty when performing military duty of any nature under Title 10 or Title 32 of the United States Code, the Military Department shall determine both of the following amounts:

(1) The amount of disability benefits to which a member of the United States Armed Forces of the same or equivalent rank would be entitled from the federal government as a result of a comparable wound, injury, or disability.

(2) The amount of disability benefits to which the officer, warrant officer, or enlisted member is entitled from the federal government as a result of the wound, injury, or disability.

(b) If the Military Department determines that the amount described in paragraph (1) of subdivision (a) is greater than the amount described in paragraph (2) of subdivision (a), that

1 department shall, upon an appropriation of funds to the
2 department by the Legislature for this purpose, provide to the
3 officer, warrant officer, or enlisted member an amount equal to
4 the difference between those two amounts.

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